UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1997/12/Add.1
7 March 1997

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Fifty-third session
Item 3 of the provisional agenda

ORGANIZATION OF THE WORK OF THE SESSION

Second report on the human rights situation in Burundi submitted by the Special Rapporteur, Mr. Paulo Sérgio Pinheiro, in accordance with Commission resolution 1996/1

Addendum

Introduction

1. This document is an addendum to the second report by the Special Rapporteur on the human rights situation in Burundi to the Commission on Human Rights at its fifty-third session.

2. Section A of this addendum contains a number of observations by the Special Rapporteur on the most recent developments in the crisis in Burundi and section B a list of the most significant allegations made to him concerning violations of the right to life and to physical integrity during the past year.

A. Observations on the most recent developments in the crisis in Burundi

3. The serious violations of the right to life and to physical integrity listed in this addendum are closely linked to the further developments in the crisis in Burundi caused by the interruption of the transition to democracy following the assassination of President Ndadaye on 21 October 1993, the acts of genocide perpetrated against the Tutsis and the subsequent massacres of Hutus. Nevertheless, the current situation in Burundi and its influence on the human rights situation are closely linked to the resurgence of rebel movements in eastern Zaire and to the return of Burundi and Rwandan refugees to their countries of origin.

4. The Special Rapporteur notes that despite all the statements made by the de facto Government of Burundi of its intention to work towards negotiations between all the parties to the conflict in Burundi, its actual political decisions seem, on the contrary, to be war-oriented.

5. During the last quarter of 1996 and in January and February 1997, there has been a revival of military operations by the Burundi army. In turn, the rebels of the Front pour la défense de la démocratie (FDD), the armed wing of the Conseil national pour la défense de la démocratie (CNDD), who have been compelled to leave their safe havens in eastern Zaire following the violent onslaught of the Tutsi rebels in the region and who have lost their sources of supply, have not succeeded in setting up comparable bases in Tanzania.

6. The momentary weakening of the rebel forces has enabled the Burundi army to secure its control over a major portion of Burundian territory and to assert that the security situation there has considerably improved. Nowadays it is allegedly possible to travel in 8 of the country's 15 provinces without an armed escort. However, the Special Rapporteur is not convinced that these improvements reflect a significant improvement in the Burundi army's logistical capacity. Quite the contrary, if the army now has a free hand, it is the result of a combination of chance and temporary circumstances. As soon as the rebels recover their operational capacity, they are likely to make new incursions into Burundian territory which will upset the apparently secure situation prevailing in some regions of the country. In other words, the improvement in the country's security situation is more the result of the hurdles currently facing the rebel forces in the field than of greater success by the Burundi army in its clashes with the rebels.

7. While maintaining a war mentality in the vain hope of crushing the rebels in the field (and thereby nullifying any attempt to begin the negotiations which Major Buyoya has himself advocated) the Burundi de facto authorities are systematically resettling rural populations using an outdated strategy of forced villagization, whose weaknesses and the suffering entailed for the populations concerned have been demonstrated in other conflicts, particularly in Viet Nam.

8. As in his second report (E/CN.4/1997/12, paras. 56-57 and 99), the Special Rapporteur vigorously disapproves of and condemns the forced resettlement of rural populations as a manifest violation of the relevant provisions of the International Covenant on Civil and Political Rights, as well as of other international human rights instruments to which Burundi is a party. In addition, the practice leads to a marked deterioration of respect for human rights, if not an extremely serious aggravation of violations of the human rights of both the populations resettled under military threat and those who refuse to obey and are immediately suspected of supporting the rebels, with the additional risk of becoming targets in clashes between the army and the rebels and frequently of being slaughtered or massacred.

9. Although there has been a marked improvement in freedom of movement and freedom to travel in a number of provinces, including Gitega and Ngozi, the Special Rapporteur nevertheless wishes to point out that freedom to move about in reasonable safety is ultimately acquired at the expense of the enjoyment of human rights by the vast majority of the rural population. The men and women

who are forcibly resettled in camps, which are frequently far from their homes, are only able to visit their fields for a short part of the day and under military supervision. Because of the insecurity or the long distances they have to travel, children are unable to attend school. All these difficulties and hardships are compounded by the same deplorable living conditions as those of the displaced Tutsis - the absence of proper sanitary facilities, a rising level of malnutrition in several regions of the country and the risk of epidemics.

11. In briefly referring here to some of the allegations he has already mentioned in his second report, the Special Rapporteur wishes to invite the de facto Burundi authorities seriously to consider the extremely unpleasant humanitarian consequences of its forced resettlement policy for numerous poor rural population groups. The security and peace established at the price of the forced resettlement policy are at the very least precarious and have no future. Generally speaking, it will be possible to restore security for all and to improve the living conditions of Burundi's population only by establishing a genuine peace throughout Burundi. This objective cannot be achieved by military conquest; it must result from a culture of peace which encourages the de facto authorities and the other parties to the Burundi conflict to sign a ceasefire and begin proper negotiations, so that Burundi can shake off the shackles of the emergency regime and embark on an authentic process of democratization, by which all Burundians may feel concerned and to which they may actively contribute.

B. Violations of the right to life and physical integrity

12. As the Special Rapporteur stated in his second report (E/CN.4/1997/12, para. 37), numerous allegations of violations of the right to life and physical integrity have come to his attention from different sources. He presents below a selection of those he believes to be most significant, in order to underscore his deep concern over the endless cycle of clashes and violence attributable to either the Burundi army or the rebel forces, which has characterized the past year.

1. Incidents attributed to the Burundi army

13. On 2 January 1996, the sectors of Karonda and Cabara, and the area of Kigwena, were allegedly attacked by soldiers accompanied by civilians. Eighteen people are said to have been killed, including 12 children, and 14 wounded, and several persons to have disappeared or drowned in Lake Tanganyika. A total of 118 houses are said to have been burnt down (90 at Karonda and 28 at Cabara).

14. On 24 January 1996, 17 civilians were reportedly killed in the commune of Gitobe, Kirundo province, in the course of a military operation to disarm people.

15. On 14 April 1996, 81 people were reportedly killed in the course of a military operation to overcome attackers who had taken some families hostage a few days earlier.

16. On 21 April 1996 soldiers allegedly launched an attack against rebels in the commune of Gitobe, Kirundo province; during the operation 11 attackers were reportedly killed and one wounded. During this clash four houses were burnt down. A number of hand-grenades, a case of ammunition and a gun were reportedly recovered.

17. On 26 April 1996, 234 civilians are reported to have been killed and 30 wounded, including 3 men, 8 women and 19 children, during a military operation to hunt down rebels in the sector of Mutoyi, Bugindara commune, Gitega province. The conclusions of the commission of inquiry appointed by the then President of the Republic reportedly led to no arrests and shed no light on who was responsible for the massacre.

18. On 2 May 1996 soldiers were allegedly responsible for the murder of 30 individuals, including a woman deputy of the Front pour la défense de la démocratie (FRODEBU), Bibiane Ntimutunba, in Rugombo commune, Cibitoke province.

19. On 3 May 1996, between 30 and 800 people, most of them women and children, were reported killed in a massacre at Kivyuka market in Bubanza province, for which a number of sources have held the army responsible. Several dozen others were wounded, 25 of whom were evacuated by ICRC.

20. A number of incidents and massacres allegedly occurred on 11 May 1996 in Ndava commune, and subsequently between 13 and 17 May on Kanegwa colline in Mushikamo commune, and on 17 May in Kiganda commune. In the first two incidents 15 and 43 people respectively were reportedly killed, and in the third incident some 1,200 people. Soldiers brought in by lorry are said to have taken part in the massacre, with the assistance of pupils from three different secondary schools. According to information gathered on the spot, mass graves were hurriedly dug to bury the victims of the third incident.

21. On 24 May 1996, 25 attackers were killed and 1 person wounded in a military operation against rebels to the north of the capital of Gitega province.

22. On 12 June, 111 persons were reportedly killed and 12 wounded during a further incursion by the army in Mutambu commune. According to several witnesses, paratroopers based at Musaya camp took part in this operation.

23. On 13 June 1996, six lorries carrying soldiers allegedly went to Kibimba colline, Gitega province. The soldiers are said to have shot and bayonetted between 70 and 100 Hutu civilians, including women and children.

24. On 27 June 1996, some 500 people were allegedly massacred by soldiers at Nyeshenza, Mugina commune, Cibitoke province, following a rebel attack.

25. On 13 July 1996, soldiers allegedly killed some 40 Hutu civilians at a wedding on Mpfunda colline, Kayanza province.

26. On 20 July 1996, subsequent to a rebel attack on the Bugendana camp for displaced Tutsis, a military operation to surround the area was reportedly carried out by large numbers of soldiers from Rusamaza, Gihogazi commune,

Karuzi province, on the collines of Buhoro, Karehe, Kinzerere, Mwaruro and Gasorwe, in Bugendana commune, Gitega province. The number of victims is unknown.

27. On 22 July, more than 55 Hutus were allegedly killed at Carama, Rubirizi district, Mutimbuzi commune, in Rural Bujumbura province, during an army sweep to flush out rebels. At least 17 people are said to have been shot dead and more than 38 burnt alive.

28. On 13 October 1996, between 50 and 112 people were reportedly massacred by members of the armed forces near Matana market, Matana commune, in Bururi province. The soldiers are said to have arrested some 50 people in the market place on suspicion of collusion with the rebels and to have taken them to their base, where they were executed. The massacre is said to have been in reprisal for the murder of Tutsis by rebels a few days earlier not far from the same spot.

29. On 21 October 1996, between 200 and 400 Burundi returnees were reportedly killed and some 200 others wounded by soldiers on Murambi colline, Buganda commune, Cibitoke province. The returnees, who had come from Zaire, were reportedly first of all herded into a Pentecostal church and then the men were taken out and executed in the evening.

30. On 27 October 1996, some 40 Burundi returnees from Zaire were allegedly killed by soldiers in Gatumba district, Mutimbuzi commune in Bujumbura province. Some of the victims were allegedly buried on the spot, while others were thrown into mass graves near the Gatumba border post.

31. Between 2 and 4 November 1996, approximately 100 persons are said to have been killed and several others wounded during a reprisal operation by soldiers on several collines in Giheta district, Giheta commune, in Gitega province, following a rebel attack on Giheta on 2 November.

32. On 2 and 3 December 1996, some 700 people were allegedly killed by soldiers in a reprisal operation carried out, with the assistance of the civilian authorities and part of the population, in the communes of Butaganzwa, Gahombo and Gatara, in Kayanza province, following several rebel ambushes in the province and incidents involving mines.

33. On 13 December 1996, at least 120 persons, including 25 women, 67 children and 13 old people, were allegedly killed by soldiers in an operation in Mutambu district, Mutambu commune, in Rural Bujumbura province.

2. Acts of violence attributed to the rebel forces

34. On 23 February 1996, 16 civilians were reportedly killed in a rebel attack on the commune of Buganda, in Cibitoke province. On 25 February, four civilians and a soldier died, and ten other civilians were wounded, in another rebel attack on the same commune. On the following day, 30 civilians were allegedly killed and 6 other civilians and 2 soldiers wounded in a third rebel attack on Gasenyi commercial district in Buganda commune.

35. On 2 March 1996, 15 people were allegedly killed in a rebel attack on Busimba colline. A considerable sum of money was also reported stolen.

36. On 3 March 1996, three soldiers were killed and four other persons wounded in the ambush of a military vehicle, probably carried out by rebels, in Muzinda district, Bubanza province.

37. On 7 March 1996, a soldier and five attackers were allegedly killed and two other soldiers wounded in a similar incident in Burambi commune, Busaga sector, in Bururi province. On the same day, rebels reportedly ambushed the Governor of Bururi and Commander of the Military Region and the Commander of the Musave district rapid action forces, wounding three soldiers.

38. On 20 March 1996, approximately 100 civilians and a soldier were killed and four persons wounded in a rebel attack in the districts of Muheka and Musenyi, Songa commune, in Bururi province.

39. During a rebel incursion into Vugizo commune, in Makamba province, on 27 March 1996, 18 persons were reportedly killed and two others missing.

40. On 31 March 1996, 12 passengers, 2 soldiers, 6 rebels and 37 civilians were reportedly killed in a clash following a rebel attack on public transport vehicles on the RN 1 highway to Bugarama. On the same day, 12 civilians were allegedly killed and several houses burnt down during a rebel incursion into Ryansoro commune, in Gitega province. Some 40 cows were also killed and then burnt.

41. As a result of a rebel attack on the town centre of Makamba, Makamba province, on 3 April 1996, 16 inhabitants were allegedly killed, together with one of the attackers. In addition, considerable material damage was caused and the hospital's pharmacy looted. Two days later, the town's central market was allegedly attacked during the night, looted and destroyed. Ten houses were allegedly burnt down and a kiosk destroyed in reprisal by the Sans-Echec (young Tutsi extremists).

42. In a similar incident in Gitanga commune, Rutana province, on 8 April 1996, the market and communal office were reportedly burnt down and the health centre seriously damaged. In the clash between rebels and the army, an officer and several civilians were reportedly killed and five soldiers wounded. Three days later, 23 civilians are said to have been killed in a rebel attack in Gitaba district, in the same province. On 12 April, in another sector of the province, between 40 and 50 people were reported killed in a rebel attack at Kivoga.

43. Also on 12 April, 50 civilians were allegedly killed and 20 houses burnt down in a rebel attack on the commune of Buraza, in Gitega province.

44. On 16 April 1996, one soldier was reportedly killed in an ambush, probably laid by rebels, against soldiers in Gishubi commune. Three others were seriously wounded and had to be evacuated by helicopter. One of the wounded reportedly died from a heart attack.

45. On 20 April 1996, 29 civilians were reportedly killed, 2 other persons wounded and 2 persons missing following a rebel attack on the commune of Rutovu, Ruringanizo colline, in Bururi province. In addition, 12 houses were burnt down.

46. On 28 May 1996, rebels allegedly attacked the Butezi camp for displaced Tutsis. A total of 51 persons were reportedly killed and 24 wounded, 11 of them seriously. Seventy houses were also burnt down.

47. On 3 July 1996, a large number of rebels reportedly attacked the Teza tea plant in Bukeye commune, Muramvya province; 80 persons, most of them Tutsis, were allegedly killed in the attack. The rebels, numbering several hundred according to eye-witnesses, allegedly also attacked and took over the military post in a clash lasting several hours.

48. Between 5 and 6 a.m. on 20 July 1996, the camp for displaced Tutsis was reportedly attacked by several groups of rebels who put the camp's military post out of action and massacred the displaced persons using firearms or other weapons including machetes and bill-hooks. The attackers also reportedly killed livestock, looted the displaced persons' property and burnt down houses. They allegedly dispersed after military reinforcements arrived. Various estimates set the number of persons killed at 298.

49. On 29 September 1996, some 200 rebels are said to have stormed the village of Nyeshenza and its military post in Nyeshenza district, Mugina commune, in Cibitoke province. Thirty-five civilians and some 20 attackers were reportedly killed and 10 houses burnt down.

50. On 21 October 1996, rebels reportedly attacked the Buranino displaced persons camp in Butaganzwa commune, Kayanza province. Twelve displaced persons and one soldier were reportedly killed in the ensuing fighting between the army and the attackers.

51. Thirty-two persons were allegedly killed and nineteen others wounded as a result of the rebel attack on No. 2 village, in Gihanga commune, Bubanza province, at about 1.30 a.m. on 17 November 1996. The rebels reportedly also looted the houses of wealthy farmers and killed some of them. Some houses were also reportedly burnt down.